

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ALLEN DUPREE GARRETT,

1:20-cv-02525-NLH-JS

Plaintiff,

MEMORANDUM

OPINION & ORDER

v.

KAREEKA Z. JOHNSON, et al.,

Defendants.

APPEARANCE :

ALLEN DUPREE GARRETT
4366289
CAMDEN COUNTY CORRECTIONAL FACILITY
330 FEDERAL STREET
CAMDEN, NJ 08102
Plaintiff appearing pro se

HILLMAN, District Judge

WHEREAS, on August 11, 2020, Plaintiff Allen Dupree Garrett, appearing pro se, filed an application to proceed in forma pauperis (ECF No. 10); and

WHEREAS, on November 18, 2020, the Court issued an Opinion explaining that Plaintiff's current action was subject to the three-strikes provision of § 1915(g). (ECF No. 13.) For this reason, the Court entered an Order directing Plaintiff to submit a sworn statement demonstrating imminent danger of serious physical injury within 30 days of November 18, 2020 (ECF No. 14); and

WHEREAS, on November 18, 2020, Plaintiff filed a letter notifying this Court that he wished to terminate his case pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) (ECF No. 15); and

WHEREAS, on November 19, 2020, this Court dismissed this action without prejudice (ECF No. 16); and

WHEREAS, on March 10, 2021, Plaintiff filed a motion requesting the Court to reopen this matter and appoint him pro bono counsel (ECF No. 17); and

WHEREAS, the Court finds reopening this matter, at this time, is not warranted because on December 23, 2020, the Court issued an Opinion denying Plaintiff in forma pauperis status. The Court held Plaintiff failed to provide any facts suggesting he is in imminent danger of serious physical injury, which was a required showing given his action was subject to the three-strikes provision of § 1915(g), Garrett v. City of Camden, No. 20-17470, 2020 WL 7640566 (D.N.J. Dec. 23, 2020). For this reason, the Court will also deny Plaintiff's request for the Court to appoint pro bono counsel; and

WHEREAS, Plaintiff may reapply for pro bono counsel when he pays the required \$400 filing and administrative fees.

THEREFORE,

IT IS on this 19th day of March, 2021

ORDERED that the Clerk of the Court shall reopen this matter for purposes of entering this Opinion & Order; and it is further

ORDERED that Plaintiff's Motion to reopen this matter and for the Court to appoint pro bono counsel be (ECF No. 17), and the same hereby is, DENIED; and it is further

ORDERED that the Clerk of the Court shall administratively terminate the Complaint pending receipt of the \$350 filing fee and \$50 administrative fee; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Opinion & Order upon Plaintiff by regular U.S. mail.

Date: March 19, 2021
At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.